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10 | Attorneys for Defendants
C. R. Bard, Inc. and
Bard Peripheral Vascular, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

15	IN RE: Bard IVC Filters Products Liability Litigation	MDL NO. 15-02641-PHX-DGC
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22 Defendants C. R. Bard, Inc. (“Bard”) and Bard Peripheral Vascular, Inc. (“BPV”)
23 (Bard and BPV are collectively “Defendants”) hereby file this Answer and General Denial in
24 response to the First Amended Complaint served on Defendants in *Emmett Smith,*
25 *Independent Administrator of the Estate of Karen Smith, deceased v. C. R. Bard, Inc., et al.*,
26 AZ Member Case No. CV-19-00262-PHX-DGC (“Answer and General Denial”).
27 Defendants further reserve the right to file any motion to dismiss for failure to state a claim
28 with respect to this case, as set forth in Amended Case Management Order No. 4.

With respect to the allegations plaintiff(s) raise in *Emmett Smith, Independent Administrator of the Estate of Karen Smith, deceased v. C. R. Bard, Inc., et al.*, AZ Member Case No. CV-19-00262-PHX-DGC, Defendants deny, generally and specifically, each and every allegation in plaintiff(s)' Complaint, the whole thereof, and each and every cause of action therein. Defendants further deny that the plaintiff(s) has sustained, or is entitled to recover, damages in any amount alleged or in any sum whatsoever. Defendants further deny that they are liable to the plaintiff in any amount, and further deny that the plaintiff has sustained injury, damage, or loss by reason of any act or omission by Defendants.

As for additional defenses, and without assuming any burden of pleading or proof that would otherwise rest on plaintiff(s), Defendants incorporate by reference the responses and Affirmative Defenses set forth in Defendants' Answer to Plaintiffs' Master Complaint filed in MDL 2641 on December 17, 2015 (Doc. 366). Defendants further reserve the right to raise such other affirmative defenses as may be available or apparent during discovery or as may be raised or asserted by other defendants in this case. Defendants have not knowingly or intentionally waived any applicable affirmative defense. If it appears that any affirmative defense is or may be applicable after Defendants have had the opportunity to conduct reasonable discovery in this matter, Defendants will assert such affirmative defense in accordance with the Federal Rules of Civil Procedure.

REQUEST FOR JURY TRIAL

Defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc. demand a trial by jury on all issues appropriate for jury determination.

WHEREFORE, Defendants aver that the plaintiff(s) is/are not entitled to the relief demanded in the plaintiff(s)' Complaint, and these Defendants, having fully answered, pray that this action against them be dismissed and that they be awarded their costs in defending this action and that they be granted such other and further relief as the Court deems just and appropriate.

This 4th day of September, 2019.

s/Richard B. North, Jr.

Richard B. North, Jr.

Georgia Bar No. 545599

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